

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached pages 3-7.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Reconsideration and allowance of the subject application are respectfully requested.

Claims 15, 16, and 20-26 are pending in the application. Claims 15 and 23 are independent.

Claims 15, 16, 20, 22, 23, 24, and 26 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,390,366 to Kasugai. Claims 21 and 25 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kasugai. These rejections are hereby traversed.

Independent Claim 15 recites that a first subscriber station, when activated within the communication system, is allocated a dedicated portion of the user control channel, but when a dedicated channel is established between the first subscriber station and the base station, then the dedicated portion of the user control channel is de-allocated from the first subscriber station until the dedicated channel is de-allocated from the first subscriber station. Independent Claim 23 also recites a similar feature.

By contrast, the system disclosed in Kasugai includes a single control channel in which slots in frames are assigned to different base stations (see, e.g., column 2, lines 33-41). Mobile stations (i.e., subscriber stations) in the system, which includes multiple base stations, may register with whichever base station has the best signal strength. As disclosed at column 4, lines 47-63, the number of slots in each frame of the control channel assigned to the various base stations is changed so that a base station that has more mobile stations registered to it would have more slots in each frame assigned to it. This reduces the risk of

mobile stations registered to a given base station being unable to communicate with that base station due to contention with other mobile stations.

In Kasugai, the slots assigned to a base station are used for sending signals to the mobile stations (see, e.g., column 3, line 66 – column 4, line 14). As disclosed at column 4, lines 15-46, a mobile station that wants to register itself or obtain a dedicated communication channel to make a call must respond to the base station in the slot following a slot assigned to the base station. In fact, as illustrated in Figure 6, the mobile station begins such a response transmission halfway through the slot following the slot assigned to the base station with which it wants to communicate. There is nothing to prevent more than one mobile station from transmitting at the same time. For this reason, assigning more slots to a base station reduces the risk of collision between transmissions from mobile stations. In addition, in the system disclosed in Kasugai, all of the mobile stations share the use of the same portions of the control channel, as disclosed, for example, at column 2, lines 60-63.

At pages 4 and 5 of the February 7, 2006 Office Action, in the “Response to Arguments” section, a rebuttal to a similar argument as that shown above is provided by the Examiner. The rebuttal seems to indicate a fundamental misunderstanding of the disclosure of Kasugai, i.e., a confusion between the transmitter/receiver 22, which is associated with the three base stations 20A, 20B, and 20C (see Figure 2 and column 2, lines 42-44), and mobile stations 40₁ through 40₂₀ (see Figure 2 and column 2, lines 33-41). For example, the following text appears in the “Response to Arguments” section at page 5 of the February 7, 2006 Office Action:

As shown in fig. 4, mobile station 22 is assigned a portion of the control channel to communicate signal "302"; likewise, another mobile station communicates signal 304 in a time slot different than the one assigned to mobile station 22. . . . Hence, as mentioned above, Kasugai does teach a dedicated slot, see for instance fig. 4 signal 302, assigned to "mobile station 22" (subscriber station) that does not include all the subscribers (mobile stations).

These statements are plainly incorrect. As a first matter, there is no "mobile station 22"; item 22 refers to the transmitter/receiver associated with each respective base station 20A, 20B, and 20C, as shown in Figure 2. Secondly, there is no disclosure to the effect that a "mobile station . . . is assigned a portion of the control channel to communicate signal '302'"; the relevant disclosure at column 4, lines 2-8 reads as follows:

Base station 20A sends a downward signal 301 to the mobile station in transmitter/receiver 22 of the control channel in accordance with instructions from controller 21 along with time slots T1, T5 and T9. Upon receipt of this downward signal 301, the mobile station sends a signal 302 delayed by half of one time slot.

Accordingly, in contrast to the Examiner's indication that the mobile station has been "assigned a portion of the control channel to communicate signal '302'", the relevant disclosure makes it clear that no such assignment, or allocation of a dedicated time slot to the mobile station, is ever made; instead, the mobile station simply responds to a received downward signal.

Thirdly, the Examiner mischaracterizes Figure 4 in its entirety. Kasugai discusses Figure 4 at column 3, line 66 through column 4, line 68. Kasugai does disclose allocating time slots to the *base stations* 20A, 20B, and 20C. For example, at column 3, line 66 – column 4, line 2, Kasugai states:

[T]ime slots T1, T5 and T9 of the control channel are allocated to base station 20A, time slots T2, T6 and T10 are allocated to base station 20B, and time slots T4, T8 and T12 are allocated to base station 20C.

Kasugai then goes on to describe the process by which a mobile station is registered to a base station, and then, Kasugai discloses reallocating time slots based on the number of mobile stations registered to each base station at column 4, lines 64-68:

In this manner, the number of time slots of the control channel allocated to each of base stations 20A, 20B and 20C is dynamically changed according in proportion to the number of mobile stations registered to each base station.

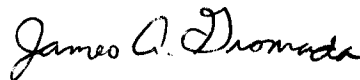
Accordingly, Kasugai discloses allocating time slots to base stations, and registering mobile stations to base stations. However, at no point does Kasugai disclose allocating a dedicated portion (i.e., a time slot) of the user control channel to a subscriber station (i.e., a mobile station).

Therefore, Kasugai fails to disclose dedicating a slot in frames of the control channel to a particular subscriber station, as recited in independent Claim 15. Furthermore, Kasugai fails to disclose dedicating a slot in frames of the control channel to a particular subset of subscriber stations that is less than all of the plurality of subscriber stations, as recited in independent Claim 23. For at least these reasons, Applicants submit that each of independent Claims 15 and 23 are allowable over Kasugai. In addition, each of Claims 16, 20-22, and 24-26 depends from either independent Claim 15 or independent Claim 23. Therefore, these dependent claims are also allowable for at least the same reasons as those discussed above.

In view of the above, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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